

# **Candidacy Requirements For Board of Supervisors Of Northampton County**

## **July 20, 2004 Special Election**

ELECTION RESCHEDULED  
FOLLOWING US DEPARTMENT OF JUSTICE APPROVAL  
OF COUNTY'S DECENNIAL REDISTRICTING PLAN

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# INTRODUCTION

This bulletin and all required forms are available on our web site:

<http://www.sbe.state.va.us/Election/Candidates/Bulletins/Default.html>

Each document is explained in Item VI on Pages 3 and 4 herein.

Filing deadlines and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., Party Candidate Nominated By Method Other Than A Primary and Independent (Non-Party) candidate.

Your particular attention is called to Item III on Page 1. This section addresses advertising and campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call us. Our toll-free number is 800-552-9745. You also can reach us at 804-864-8901.

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## I. BOARD OF SUPERVISORS

This bulletin only applies to candidates for Board of Supervisors in Northampton County. This county governing body is elected by district. Only voters who reside in the district in which the candidate is running are eligible to vote for that candidate.

## II. ELECTION DISTRICT

As used herein, election district means the area the candidate will represent if elected.

## III. ADVERTISING AND CAMPAIGN MATERIALS

The Campaign Finance Disclosure Act imposes certain requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

Refer to Chapter 7 the *Summary of the Campaign Finance Disclosure Act* (CFDA) published by the State Board of Elections for specific requirements.

If you have questions on the Act, please call our toll-free line and ask for the Campaign Finance Division.

### A. Sample Ballots

Any **sample** of a paper or voting machine **ballot** must contain the words **SAMPLE BALLOT**, the appropriate statement required by the Campaign Finance Disclosure Act and, in addition, must:

- (1) contain the words **SAMPLE BALLOT** in not less than 24 point type; and
- (2) if a **paper ballot**, be printed on paper of a color **other than white**.

### B. Posting

Campaign materials may **NOT** be posted on any state-owned right of way [see Page 2 herein]. Contact your County Administrator to determine whether local ordinances prohibit or restrict the posting of campaign materials.

### C. Violations

If you believe any election law has been violated and you have facts concerning the violation, you should report those facts in writing to the Commonwealth's Attorney in Northampton County.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

## IV. VDOT INFORMATION

# A “clean” campaign is a sign of the times



### Don't “trash” your print budget or throw away volunteer time.

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



### Don't make highway workers “play politics” on the job.

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



### Don't let campaign materials turn into litter.

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



### Don't get “stuck” by bumper stickers.

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



### Don't risk your candidate's image.

*IT IS ILLEGAL TO PLACE POLITICAL SIGNS ON STATE-OWNED RIGHT OF WAY.* YOU WANT CITIZENS TO VIEW YOUR CANDIDATE AS A LAWMAKER - NOT A LAW-BREAKER.



### Don't risk someone's life.

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

**DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered “outdoor advertising”, you won't even need a permit.**

VDOT - call your local Virginia Department of Transportation office for details.

## **V. QUALIFICATIONS TO BE A CANDIDATE**

A candidate must be:

- g Qualified to vote for and hold the office sought;
- g A resident of the Commonwealth for one year immediately preceding the election;
- g A resident, by the time of filing, of Northampton County; and
- g A resident of the election district to be represented.

## **VI. DOCUMENTS REQUIRED TO BE FILED**

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

<http://www.sbe.state.va.us/Election/Candidates/Forms>

### **A. Statement of Organization for a CANDIDATE**

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth. A candidate may serve as his own treasurer.

Virginia law requires each candidate to provide the name of the financial institution in which he establishes his campaign account and the account number assigned to that account. If no contributions have been received nor any monies spent by the filing deadline applicable to the candidate, this form must list the name of the financial institution the candidate will use when activity occurs. An amended form must be filed when the account is opened.

This document is required to be filed as soon as you receive or expend monies relating to your candidacy or file any form listed in Items B through E of Item VI herein. For further details, see **Starting A Campaign Committee** in the *Summary of the Campaign Finance Disclosure Act* published by the State Board of Elections and also found on our website: [http://www.sbe.state.va.us/Campaign\\_Finance](http://www.sbe.state.va.us/Campaign_Finance)

### **B. Certificate of Candidate Qualification**

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form. If petitions also are required, the Declaration must be filed **at the same time** as the petitions.

### **C. Declaration of Candidacy**

This document is prepared and distributed by the State Board of Elections. It must be filed by primary election candidates and independent (non-party) candidates. If petitions also are required for the office sought, the Declaration must be filed **at the same time** as the petitions.

Candidates for political party nomination by a method **other than a primary** file this declaration and the petitions described below only if so required by the rules of the political party. Contact the appropriate County political party chair to determine if they are required.

## VI. DOCUMENTS REQUIRED TO BE FILED (continued)

### D. Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. Petitions containing at least the number of signatures required for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions must be filed by all primary and Independent (non-party) candidates.

Any candidate who qualified for the original election shall automatically be qualified for this election **provided** that **the boundaries of the district** in which he is seeking election **are the same as when he originally filed**. If the district boundaries **have changed**, the candidate must requalify for the ballot **by refiling all required documents**.

However, any candidate who filed as an **Independent**, may ask the General Registrar to review his original filing to determine how many signatures on his original petitions reside in the new district so that he need only to supplement his original petition filing by 5:00 PM on Monday, June 21.

#### 1. Petition Circulator

Petitions can be circulated by either the candidate or another person who is either registered, or eligible to be registered, to vote in the **same** district in which the candidate is seeking election.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The petition **NEVER** can be left unattended, i.e., left on the counter at a grocery store, restaurant, etc.

#### 2. Number of Signatures Required

Petitions must contain the signatures of at least 125 qualified voters of the district.

The State Board recommends that a candidate get at least half again the number of signatures required to assure that enough signers are qualified voters.

### E. Statement of Economic Interests

This document is prepared by the Secretary of the Commonwealth and should be available from the Clerk of the governing body. It is required to be filed by all candidates for board of supervisors in Northampton County which has **a population in excess of 3,500**.

**Exception -** Candidates for re-election to the **same office** need not re-file this form if they met the requirement for filing in January 2004 as officeholders.

## **VII. FILING DEADLINE AND WHERE TO FILE**

### **For A Party Candidate Nominated By Method Other Than A Primary**

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

<b>REQUIRED FORMS</b>	<b>WHERE TO FILE</b>	<b>FILING DEADLINE</b>
*1. Certificate of Candidate Qualification	General Registrar of Northampton County	5:00 p.m. 6/21/2004
*2. Statement of Economic Interests		
*3. Statement of Organization for a Candidate**	Electoral Board of Northampton County at the office of the General Registrar	5:00 p.m. 6/21/2004

See [http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS\\_DONTS1\\_GE.pdf](http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS_DONTS1_GE.pdf) for:

#### **DO'S AND DONT'S FOR A GENERAL OR SPECIAL ELECTION**

and

See [http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS\\_DONTS2G.pdf](http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS_DONTS2G.pdf) for:

#### **GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES**

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline  
MAY NOT have his name printed on the Special Election ballot.**

\* Refer to Pages 3 and 4 herein for details.

\*\* The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.



**VIII. FILING DEADLINE AND WHERE TO FILE**

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**For An Independent (Non-Party) Candidate**

*Items 1 and 2* listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy *2. Petitions of Qualified Voters *3. Statement of Economic Interests *4. Certificate of Candidate Qualification	General Registrar of Northampton County	5:00 p.m. 6/21/2004
*5. Statement of Organization for a Candidate**	Electoral Board of Northampton County at the office of the General Registrar	5:00 p.m. 6/21/2004

See [http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS\\_DONTS1\\_GE.pdf](http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS_DONTS1_GE.pdf) for:

**DO'S AND DONT'S FOR A GENERAL OR SPECIAL ELECTION**

and

See [http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS\\_DONTS2G.pdf](http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS_DONTS2G.pdf) for:

**GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES**

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline  
MAY NOT have his name printed on the Special Election ballot.**

\* Refer to Pages 3 and 4 herein for details.

\*\* The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

## **IX. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS**

An independent [non-party] candidate may request notification of any problems with his filing that can be corrected before the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the Electoral Board of Northampton County. It must accompany the declaration of candidacy and the petitions filed with the General Registrar.

The written request **does not guarantee** timely response. Certain factors, such as the number of filings, may affect the electoral board's ability to comply with the request. It is suggested that documents be filed **at least ten [10] working days before the filing deadline** if this notice is requested.

## **X. OTHER REQUIRED REPORTS**

**All** candidates must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures. These reports are filed **only** with the Northampton County Electoral Board and are due even if no contributions are received nor expenditures made. In this case, **only** a *Report Of No Activity* must be filed. Forms are prescribed by, and available from, the State Board of Elections.

See Candidate Reporting Schedule for dates reports are due.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

**Exceptions** - A candidate for local office who files an exemption form certifying that he has not and will not solicit or accept any contribution from any other person during the course of his campaign and has not and will not contribute or expend more than \$1,000 during the course of this campaign, is required to file reports of large pre-election contributions and a final report. A form for this purpose is prepared and distributed by the State Board of Elections.

## **XI. ORDER OF NAMES ON BALLOTS**

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Non-partisan or independent candidates appear in alphabetical order following the candidates of political parties.

## XII. THE SUCCESSFUL CANDIDATE

Any successful candidate must file, as a condition to assuming office, with the **Clerk of the Board of Supervisors**, a **second** Statement of Economic Interests as required by §§ 2.2-3115 and 2.2-3116 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the Clerk of the Board of Supervisors.

The successful candidate is required by § 24.2-313 of the Code of Virginia to qualify and take the oath of office on or before the first day of the second month following the rescheduled election (**September 1, 2004**). Failure to qualify in a timely manner creates a vacancy in the office.

## XIII. FREQUENTLY ASKED QUESTIONS

1. Who may circulate a candidate's petitions?

A candidate may circulate his own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is, or who is eligible to be, a qualified voter of the election district. See Item VI D1 herein for details.

The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, i.e., left on the counter at a grocery store, restaurant, etc.

2. I am circulating a petition for a candidate. May I also sign as a qualified voter the petition that I am circulating?

I am a Notary circulating petitions for a candidate. May I notarize the petition pages I circulate?

**NO TO BOTH.** The person circulating the petition must swear, under oath, that he **personally witnessed** the affixing of the signatures on the petition and no person can witness his own signature.

3. I am a candidate and a Notary. May I notarize the petition pages circulated by other persons?

**NO.** § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **or** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

### **XIII. FREQUENTLY ASKED QUESTIONS** (continued)

4. I work for the federal government. Can I be a candidate?

Pursuant to the federal law commonly known as the Hatch Act, you may be a candidate in a **non-partisan election** or, if you live in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania or Stafford or the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park or Portsmouth, you may be an **independent candidate for local office in a partisan election**. An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party.

To determine whether you might also be affected by the rules and regulations of the agency for which you work, **contact your personnel officer**.

It should also be noted that most employees of the legislative branch of the federal government are not covered by the Hatch Act but may be affected by other rules and regulations.

5. I work for the state or a local government. Can I be a candidate?

**Some** state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work**. If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, 1730 M Street NW, Suite 300, Washington, D. C. 20036. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules and regulations of the agency or ordinances of the government for which you work. **Contact your personnel officer**.

6. I do business with my local government. Am I prohibited from holding office on its governing body due to a conflict of interest?

**Contact an attorney** as to whether the provisions of the State and Local Government Conflict of Interests Act [§§ 2.2-3100 through 2.2-3127 of the *Code of Virginia*] might affect your ability to hold the office you intend to seek.

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